

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)

Plaintiff,)

vs.)

KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation, and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)

Defendants.)

Case No. A05-170 CI (TMB)

AFFIDAVIT OF COUNSEL

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Thomas S. Gingras, being first duly sworn, deposes and states:

1. I am an attorney for Defendants, Kanag'Iq Construction Co., Inc. and Western Surety Company in the above action.

2. Shortened time is needed for consideration of Defendants' Motion for Stay of Execution of Judgment because of Defendants' pending appeal in this matter.

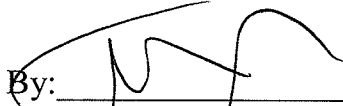
3. Because Defendants' appeal may affect the judgment against Western Surety and/or Kanag'Iq, it is necessary that the Court rule on the Motion for Stay before Plaintiff proceeds to execute upon the current judgment.

4. I have communicated with Western Surety Company and have obtained an affidavit granting permission to use the payment bond in this matter as the bond on appeal. A copy of the payment bond and the affidavit are attached to the Motion and Memorandum for Stay of Execution of Judgment.


5. Absent an order from the Court granting a stay of execution of the judgment until the pending appeal is resolved, Plaintiff may otherwise proceed to execute upon the judgment as of Monday, September 8, 2008.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED at Anchorage, Alaska this 5th day of September, 2008.

By: 
Thomas S. Gingras
Alaska Bar No. 7811098

SUBSCRIBED AND SWORN to before me this 5th day of September, 2008.


Notary Public in and for the State of Alaska
My Commission Expires: 11/01/2008

CERTIFICATE OF SERVICE

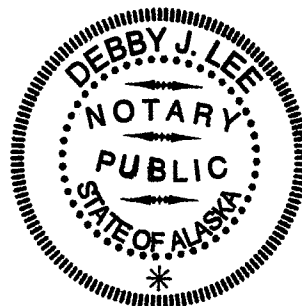
I am a legal secretary employed by the law firm of Eide & Gingras, P.C. That on this 5th day of September, 2008, I served

☒ Electronically
a true and accurate copy of the foregoing document upon the following counsel of record:
Sarah J. Tugman, Esq.
2509 Eide Street, Suite 4
Anchorage, AK 99503

EIDE & GINGRAS, P.C.

By /s/Debby Allen

F:\431\05\Post-Trial Documents\Affidavit of Counsel III.DOC



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